

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

TWITTER, INC.,

Plaintiff,

v.

COVENANT FINANCIAL SERVICES, LLC,

Defendant.

Case No. 17-cv-1019-D

TWITTER, INC.'S MOTION TO DEEM MOTION TO COMPEL CONFESSED

Pursuant to LCvR 7.1(g), Twitter, Inc. ("Twitter") respectfully requests the Court deem its Motion to Compel Covenant Financial Services, LLC ("CFS") to Produce Documents Pursuant to FED. R. CIV. P. 45 ("Motion to Compel") [Doc. No. 1] confessed. The deadline for CFS to respond to Twitter's Motion to Compel has passed and CFS has filed no response brief. In further support of this Motion, Twitter states as follows:

1. On September 21, 2017, Twitter filed its Motion to Compel. [Doc. No. 1].
2. Pursuant to LCvR 7.1(g), Timing of Response Briefs, "[e]ach party opposing a motion shall file a response within 21 days after the date the motion was filed. Any motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed."

3. Accordingly, pursuant to Rule 7.1(g), CFS's deadline to file a response in opposition to Twitter's Motion to Compel was October 12, 2017. That date has passed and CFS has neither filed a response in opposition to Twitter's Motion to Compel nor sought additional time within which to respond.

4. Therefore, pursuant to LCvR 7.1(g), Twitter respectfully requests that the Court deem its Motion to Compel confessed due to CFS's failure to respond within the time period allotted by the Local Rules. *See also Lewis v. United States*, Case No. CIV-09-236-D, 2009 U.S. Dist. LEXIS 52440, *5-6 (W.D. Okla. June 18, 2009) (deeming the defendants' motion confessed pursuant to LCvR 7.1(g) where the plaintiff failed to either respond or request an extension of time within the deadline imposed by local rules); *Payn v. Kelly*, Case No. CIV-15-1089-D, 2016 U.S. Dist. LEXIS 50239, *3 (W.D. Okla. Apr. 14, 2016) ("Pursuant to LCvR 7.1(g) and Plaintiff's failure to respond to the Motions, the Court deems the Motions confessed.").

CONCLUSION

Based on the foregoing, Twitter respectfully asks that the Court deem its Motion to Compel confessed pursuant to LCvR 7.1(g) and order CFS to immediately produce all responsive documents, along with any other relief

required by justice and equity.

Respectfully Submitted,

s/William W. O'Connor

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ATTORNEYS FOR TWITTER, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2017, a true and correct copy of the foregoing document was served via U.S. Certified Mail, Return Receipt Requested, to:

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